

Order

Michigan Supreme Court
Lansing, Michigan

May 27, 2008

Clifford W. Taylor,
Chief Justice

132882

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

JOHN VANDE LUYSTER, as
Personal Representative of the
Estate of Angelyn Vande Luyster,
Deceased,

Plaintiff-Appellant,

v

SC: 132882
COA: 257046
Ottawa CC: 02-042262-NH

BARTHOLOMEW D. SAK, M.D.
and DONALD M. FIX, M.D.,
Defendants-Appellees,

and

HOLLAND COMMUNITY
HOSPITAL,
Defendant.

By order of November 29, 2007, the application for leave to appeal the November 28, 2006 judgment of the Court of Appeals was held in abeyance pending the decision in *Braverman v Garden City Hospital* (Docket Nos. 134445-6). On order of the Court, the case having been decided on April 9, 2008, 480 Mich 1159 (2008), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REMAND this case to the Ottawa Circuit Court for reinstatement of the complaint. The plaintiff is within the class of plaintiffs identified in this Court's order in *Mullins v St Joseph Mercy Hosp*, 480 Mich 948 (2007). Furthermore, as noted in *Braverman, supra*, the decision in *Lindsey v Harper Hospital*, 455 Mich 56 (1997), is no longer controlling; thus, the plaintiff had an additional two years in which to file the complaint.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 27, 2008

Corbin R. Davis

Clerk